

11-03-00

A

Customer No. 20350

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
(415) 576-0200

ASSISTANT COMMISSIONER FOR PATENTS
BOX PATENT APPLICATION
Washington, D.C. 20231



Attorney Docket No. 19744P-000180

"Express Mail" Label No. EL525625995US

Date of Deposit: NOVEMBER 1, 2000

I hereby certify that this is being deposited with the United States
Postal Service "Express Mail Post Office to Addressee" service
under 37 CFR 1.10 on the date indicated above, addressed to:

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

By:

JASON NEGRETTE

Sir:

Transmitted herewith for filing under 37 CFR 1.53(b) is the

☒ CONTINUATION PATENT APPLICATION OF

Inventor(s)/Applicant Identifier: MICHAEL EVANS & WILL R. DUBRUL

For: THROMBOLYSIS DEVICE

☒ This application claims priority from each of the following Application Nos./filing dates:
09/640,499 filed 8/16/00; 09/504,162 filed 2/15/00; 09/005,217 filed 1/9/98; 08/483,071 filed 6/7/95; 08/320,184 filed
10/7/94; 08/065,470 filed 5/19/93; AND 07/885,665, filed 5/19/92, the disclosure(s) of which is (are) incorporated by
reference.

Enclosed are:

- ☒ 20 total page count (specification, claims and abstract)
- ☒ 04 page(s) of claims
- ☒ 01 page of Abstract
- ☒ 09 sheet(s) of ☒ formal ☐ informal drawing(s).
- ☒ 02 pages of A SIGNED Declaration.
- ☒ 01 page of A SIGNED Assignment to BACCHUS VASCULAR, INC.
- ☒ 01 page of A SIGNED Power of Attorney by Assignee.
- ☒ 01 page of A SIGNED Verified Statement (Decl.) Stating Small Entity Status.

	(Col. 1)	(Col. 2)
FOR:	NO. FILED	NO. EXTRA
BASIC FEE		
TOTAL CLAIMS	5 - 20	= *0
INDEP. CLAIMS	1 - 3	= *0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED		

SMALL ENTITY

RATE	FEE
	\$345.00
x \$9.00 =	\$0.00
x \$39.00 =	\$0.00
+ \$130.00 =	\$0.00
TOTAL	\$345.00

* If the difference in Col. 1 is less than 0, enter "0" in Col. 2.

Please charge Deposit Account No. 20-1430 as follows:

- ☒ Filing fee \$ 345.00 (one copy of this transmittal is enclosed.)
- ☒ Any additional fees associated with this paper or during the pendency of this application.

Telephone:
(415) 576-0200

Facsimile:
(415) 576-0300

MARK D. BARRISH
Reg. No.: 36,443
Attorneys for Applicant

"Express Mail" Label No. EL525625995US

Date of Deposit NOVEMBER 1, 2000

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

BOX: PATENT APPLICATION

Assistant Commissioner for Patents

Washington, D.C. 20231

By: _____

JASON NEGRETTE

PATENT

Attorney Docket No.: 19744P-000180US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MICHAEL EVANS et al.

Application No.: Unassigned

Filed: Herewith

For: THROMBOLYSIS DEVICE

Examiner: Unassigned

Art Unit: Unassigned

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination of the above-referenced application, please enter the following amendments and remarks.

IN THE CLAIMS:

Please cancel claims 1-37, and add new claims 38-42 as follows:

--38. (New) A device for insertion into a body lumen useful for dissolution of obstructive material, the device comprising:

a source of mechanical motion;

an elongate member having a proximal portion, a distal portion, and a longitudinal axis therebetween, wherein said proximal end is matingly engageable with the source of mechanical motion.

39. (New) A device of Claim 1 wherein said elongate member comprises a wire.

40. (New) A device of Claim 1 wherein said source of mechanical motion is engaged to the proximal end of said elongate member to cause a vibrational motion along the longitudinal axis of said elongate member such that said vibrational motion is greater near the distal end of said elongate member than at the proximal end of said elongate member.

41. (New) A device of Claim 1 wherein said source of mechanical motion provides rotational and/or translational motion.

42. (New) A method of dissolution of obstructive material in a body lumen comprising:

providing a source of mechanical motion coupled to an elongate member having a proximal portion, a distal portion, and a longitudinal axis therebetween, said elongate member comprising a wire;

inserting said wire into the body lumen of a patient such that said source of mechanical motion remains outside the patient's body;

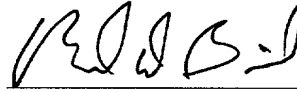
activating said source of mechanical motion such that said source of mechanical motion causes vibration of said wire along said longitudinal axis, said vibration resulting in a mixing action within said body lumen.

43. (New) The method of Claim 42, further comprising translating said wire along said longitudinal axis and within said body lumen to enhance the mixing action within said body lumen.--

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at .

Respectfully submitted,



Mark D. Barrish
Reg. No. 36,443

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200 / Fax: (415) 576-0300
MDB:nap
PA 3107024 v1

PATENT APPLICATION

THROMBOLYSIS DEVICE

Inventors:

MICHAEL EVANS, a citizen of the United States,
residing at 637 Webster Street
Palo Alto, California 94301; and

WILL R. DUBRUL, a citizen of the United States,
residing at P.O. Box 246
Redwood City, California 94064.

Assignee:

BACCHUS VASCULAR INC.
3260 Alpine Road
Portola Valley, CA 94028
A Delaware Corporation.

Status:

Small Entity

THROMBOLYSIS DEVICE

CROSS-REFERENCES TO RELATED APPLICATIONS

The present application is a continuation of U.S. patent application no. 09/640,499 filed August 16, 2000, which is a continuation of U.S. application no. 09/504,162, filed on February 15, 2000, which is a continuation of U.S. application no. 09/005,217, filed on January 9, 1998, now U.S. Patent No. _____, which was a continuation-in-part of application no. 08/483,071, filed on June 7, 1995, now U.S. Patent No. 5,713,848, which was a continuation-in-part of application no. 08/320,184, filed on October 7, 1994, now U.S. Patent No. 5,498,236, which was a continuation of application no. 08/065,470, filed on May 19, 1993, now U.S. Patent No. 5,380,273, which was a continuation-in-part of application no. 07/885,665, filed on May 19, 1992, now abandoned, the full disclosures of which are incorporated herein by reference.

BACKGROUND OF THE INVENTION

1. Field of the Invention

The present invention is generally directed to removal of blockage of tubular tissue and specifically directed to the dissolution of intravascular thrombi.

2. Description of the Background Art

It is well known that the formation of thrombi (clots) in blood vessels is a serious medical malady. Thrombi are correlated to the formation of plaque buildup in blood vessels and when blockage occurs, it is more a result of the thrombi than of the plaque buildup (which is usually referred to as atherosclerosis when it is involved in arteries).

All thrombi need not be treated interventionaly, but in many instances thrombi do, in fact, become life threatening and require removal or at least reduction in size. A thrombus is primarily comprised of red blood cells and fibrin. There are several treatments which could be adapted for the removal of thrombi in vessels which involve intravascular catheters. Most such intravascular catheters have been designed primarily for plaque removal and contain an element that vibrates at ultrasonic frequencies. Representative of such atherectomy catheters are U.S. Patent Nos. 5,069,664, 4,920,954, 4,898,575, and 4,808,153. Some involve cutting the plaque off of the wall of the vessel

using a cutting blade. Some may be adapted to facilitate removal of a thrombus in a vessel. For example, DonMichael, et al., in U.S. Patent No. 4,870,953, describes an intravascular catheter having a bulbous head at its distal end which vibrates at ultrasonic frequencies. It is suggested that such a tip might be useful for disintegrating a thrombus.

5 DonMichael, et al., also teaches the discharge of a radiographic contrast medium from the catheter tip to enable visualization of the cleared vessel. A second cooling solution may be circulated through the catheter to the tip to prevent overheating of the bulbous tip. All the foregoing intravenous catheters have their shortcomings. None are particularly adapted for removing thrombi.

10 The use of laser catheters for treatment of thrombi is not uncommon, and significant damage to vessels during this treatment have been reported. The use of drugs for the primary dissolution of these clots is extremely common and is often considered the primary treatment of choice when a thrombus is present. These drugs are referred to as thrombolytic agents (meaning clot dissolution or decomposition). The most common
15 thrombolytic agents (drugs) that are used presently in the treatment of vascular thrombosis are such agents as urokinase, streptokinase, TPA, leech saliva and other such pharmaceutical clot dissolving agents. Significant problems such as hemorrhagic complications, early rethrombosis, prolonged infusion times, costs, significant failure rates, etc., are persistent problems with the use of these pharmaceutical agents. To
20 overcome the aforesaid problems with drugs, an intravascular spraying catheter may be placed in or near a thrombus and the clot periodically sprayed (or pulsed) with a thrombolytic agent which facilitates clot dissolution. Using intermittent spraying of thrombolytic agents may enable the use of less drug over a shorter time period to effect for thrombolysis when compared to the more classical approach of allowing the drug to
25 drip in or near the clot. But even this approach requires excessive time and drug amount. In addition, the use of pulsatile injections of thrombolytic agents may result in pieces of the clot fracturing off from the main body of the clot and causing an embolism which is a danger faced by interventionalists performing this procedure. It is, therefore, desirable to provide an improved catheter for delivering thrombolytic agents which reduce the time
30 and amount of pharmaceutical agent required for thrombolysis and which reduces the danger of embolism.

Stiles, in U.S. Patent No. 4,692,139 (incorporated herein by reference), describes a catheter for removing obstructions from biological ducts which transmits ultrasonic vibrations to the obstruction to facilitate lysis. Stiles' catheter has means for

administering a lysing agent and simultaneously administering ultrasonic vibrations to obstructing material forward of the catheter tip. The Stiles catheter has a vibrating probe which probe (when the catheter is deployed within a vessel) projects from the tip of the catheter. There is no teaching of any advantages to be gained by either (a) vibrating the catheter (as opposed to a probe housed within a catheter), or (b) using low frequencies (frequencies below 1000 Hz). Further, Stiles teaches the use of vibrational frequencies in the range “of at least 60 KHz.” The vibrational frequency employed to effect lysis is an important issue. It is noted that at the frequencies suggested by Stiles’ teaching, the wavelength of ultrasound in the probe is

$$\lambda = \frac{v}{f} < \frac{1000}{f} < \frac{1000}{60,000}$$

or $\lambda < 1/60$ foot. Thus, in Stiles’ catheter there are normally many wavelengths of ultrasound between the ultrasonic source and the probe tip. Wherever the probe tip touches the surrounding aspiration tube walls and/or aspirate, energy will be lost due to heating. Thus, it is difficult or impossible to control the amount of ultrasonic vibratory energy reaching the tip of the probe. Depending on the amount of loss of ultrasonic vibrational energy that occurs along the length of the probe (which, of course, depends on the amount of aspirate in the aspirator tube and the amount of mechanical contact between the probe and the surrounding walls) the energy actually delivered to tissue at the probe tip may either ablate or weld tissue, emulsify an obstruction or be insufficient to have any effect on an obstruction.

Lower frequency vibrations (less than 100 Hz) have wavelengths greater than one foot. The amplitude and, therefore, the energy of the low frequency vibration delivered to the tip of a catheter is much more predictable at the lower frequencies and enable more accurate dosimetry. This is because the vibratory loss to surrounding tissue is due to uniform frictional losses along the length of the elongate member (inserted catheter). Stiles’ probe, which vibrates at ultrasonic frequencies as noted above, is housed within an aspiration tube where it may unpredictably be loaded by contact with any aspirate that may be present or the surrounding catheter walls. That is, the undesirable coupling of vibratory energy out of the Stiles’ probe is unpredictable. It would be desirable to provide an interventional catheter having a structure wherein the vibrating element contacts the tissue along its entire length.

All of the prior art thrombolysis catheters have specified ultrasonic frequencies (above audible frequencies) when advocating adjunctive vibratory waves to

assist thrombolysis. Perhaps this is due to the availability of compact solid state crystals that oscillate or may be driven at these frequencies. Perhaps it is the belief that these frequencies assist in "emulsifying" an obstruction such as a thrombus. Whatever the reason, the present teaching surprisingly shows that the application of low frequency
5 mechanical vibrations facilitate thrombus disintegration. Even more surprisingly, this is true even in the absence of an exogenous lysing agent.

SUMMARY OF THE INVENTION

While the invention is best understood and taught by making reference to the invention in context of a particular application such as the treatment of vascular
10 thrombosis, it is the object of the present invention to provide a catheter (herein alternatively referred to as a "motion catheter" or a "vibrating catheter") that can be placed in a blocked lumen in the body and, by either utilizing the motion of the catheter alone or the catheter motion in combination with the dispensing of a medicament suitable for dissolving such blockage, dislodge or more preferably, dissolve said blockage. This
15 motion catheter, which may be simply a moving wire, can be used alone for blockage removal or with a lysing agent to dissolve the blockage. Most preferably, both motion and dispensing are used in combination to effect blockage removal.

The objects of this invention are achieved, in general, by providing a vibrating wire, or alternatively, a vibrating catheter that has an open lumen for delivery of
20 said lysing agents. The vibrating catheter may have one or more directional channels for delivery of a lysing agent which channel(s) are attached to a pump so that delivery of said lysing agent can be controlled with respect to delivery time and delivery rate of the lysing agent.

Because blockage of lumens in the body are often times visualized with
25 image enhancement devices, the catheter of the present invention is conveniently placed by means of fluoroscopy, ultrasound or the like. The motion catheter may be placed in the body in any tubular tissue in proximity to said blockage so that the motion of the catheter will dislodge or preferably dissolve the blockage.

A specific application of the aforementioned motion catheter is the
30 dissolution of blood clots or thrombi with or without the use of a lysing/thrombolytic agent such as urokinase, streptokinase or a similar lysing agent. If the distal tip of the motion catheter is placed in juxtaposition to a blood clot (proximal, distal, inside or adjacent to the clot), the low frequency (1-5000 Hz) motion of the catheter facilitates the

dislodgment by mechanical agitation of the thrombolytic clot. Dissolution may be achieved if the vibrating catheter also dispenses a thrombolytic agent. Usually the thrombi are located in an artery. As a thrombus dissolves, it is desirable that the tip of the motion catheter be moved (with regard to its original placement/location) to keep the tip in juxtaposition with the clot and to further facilitate the dissolution of the thrombi.

BRIEF DESCRIPTION OF THE DRAWINGS

Fig. 1 is a schematic view of a preferred embodiment of the motion catheter of the present invention.

Fig. 2 is a cross-sectional view of the distal treatment tip of the catheter of Fig. 1 along line 2-2.

Fig. 3 is a cross-sectional view of the motion catheter of Fig. 1 taken near the proximal end of the catheter along line 3-3.

Fig. 4 is a longitudinal cross-sectional view of the proximal end of the motion catheter of Fig. 1 taken along line 4-4.

Fig. 5 is a schematic perspective view of the preferred embodiment of the motion catheter of the present invention wherein the distal treatment tip of the catheter of the present invention is embedded in the obstruction (shown in cross-section) causing blockage of the lumen.

Fig. 6 is a schematic perspective of the preferred embodiment of the present invention shown in Fig. 5 wherein the motion catheter passes through or around the obstruction and the lysing agent (if required) emanates from the most distal portion of the catheter.

Fig. 7 is a schematic perspective view of the preferred embodiment of the present invention shown in Fig. 5 wherein the distal treatment tip of the catheter protrudes through the clot/obstruction and the lysing agent sprays inside the clot and both proximal and distal to the clot.

Fig. 8 is a cross-sectional view of the preferred embodiment of the present invention in Fig. 5 wherein the distal treatment tip of the motion catheter is located proximal to the obstruction and the spraying lysing agent delivered from the tip in a direction parallel to the long axis of the catheter.

Fig. 9 is a perspective view of the distal tip of the preferred embodiment of the present invention shown in Fig. 5 wherein the motion catheter is rotating or oscillating in a to-and-fro motion while the lysing agent is being dispensed.

Fig. 10 is a cross-sectional view of the preferred embodiment of the present invention shown in Fig. 5 wherein the lysing agent is dispensed by holes in the distal tip and is directed within and/or under the body of the obstruction.

Fig. 11 is a cross-sectional view of a second preferred embodiment of the present invention wherein an inflatable vessel occluder near the distal tip of the catheter blocks the flow of blood around the outside of the catheter thereby forcing the blood to flow through a particle filter housed within a perfusion channel within the catheter.

Fig. 12 illustrates a prospective view of an aspiration embodiment of the present invention.

Fig. 13 illustrates the distal end of an aspiration embodiment of the present invention.

Fig. 14 illustrates an alternate embodiment of an aspiration device of the present invention.

Fig. 15 illustrates an additional alternative embodiment of an aspiration device of the present invention.

Fig. 16 illustrates the use of a balloon mechanism with the catheter of the present invention.

Figs. 17 through 20 illustrate various embodiments of a filter trap with and without the use of the aspiration device of the present invention.

DESCRIPTION OF THE SPECIFIC EMBODIMENTS

Turning now to Fig. 1, a preferred embodiment of the motion catheter of the present invention is generally indicated at the numeral 10. The catheter 10 has a proximal end 11 and a distal or treatment end 12. The proximal end 11 matingly engages a vibrating member 16 which vibrating member 16 is driven by an oscillator 15. The catheter 10 may have one or more lumens extending from the proximal end to the distal end. One lumen, which is optional, is a guidewire lumen which enters the catheter through the guidewire lumen port 13 and exits the catheter through the distal tip 12. A second lumen, having an entry port generally indicated at 14, extends the length of the catheter to the distal tip 12 and is used as a conduit for transporting a lysing agent or other compatible fluid (e.g., saline) from a reservoir (not shown) to the distal tip 12 of the catheter 10.

The distal tip 12 of the catheter 10, which may be radiopaque, is shown in cross-section in Fig. 2. A lysing agent lumen 21 extends the length of the catheter

connecting the lysing agent entry port 14 with dispensing holes near the distal tip 12. There may be one or more holes surrounding the tip 12, which holes are in fluid communication with the lysing agent lumen 21. The guidewire lumen 22, which is optional, enables the use of the catheter with a guidewire. The guidewire (not shown) may be introduced into the vessel in which the catheter is to be inserted for removing blockage. The abnormal narrowing or constriction of a passage or lumen such as results from a clot lodged in a blood vessel is called a stenosis. The guidewire is advanced, usually by means of x-ray, until it reaches the point of stenosis. The guidewire may then be either forced through the stenosis or it may terminate at the stenosis. The catheter 10, may then be inserted over the guidewire and advanced so that the distal tip 12 of the catheter is in juxtaposition with the blockage. While for many applications the presence of a guidewire lumen is necessary, for other applications it is not required. A pump (not shown) may be used to force a lysing agent into the lysing agent lumen 21 through the entrance port 14.

It is known in the prior art to be advantageous to have an element within an intravascular catheter capable of vibration at high frequencies. Such catheters normally require the element to vibrate at ultrasonic frequencies to effect the result desired. Accordingly, such catheters employ a titanium wire coupled to an ultrasonic generator such as a piezoelectric crystal which causes the wire to vibrate longitudinally at ultrasonic frequencies. In these instances, the ultrasonic energy is transferred to the medium surrounding the vibrating element and is used to cause cavitation at the tip of the catheter, which cavitation may cause the disruption of the blockage. Alternatively, an ultrasonic transducer may be placed at the tip of the catheter to emit ultrasonic waves laterally therefrom and receive reflections from the walls of the surrounding vessel thereby providing an ultrasonic image of the vessel wall. The use of ultrasonic frequencies produces heat, both along the wall of the catheter and at the tip which requires a cooling fluid. In addition, titanium must be used in order to prevent fracture of the wire.

In the present invention, the entire catheter 10 is coupled to a source of vibrational energy 16 driven by an oscillator 15 operating in the range of 2 to 1000 oscillations per second. These low frequency vibrations transmit along the catheter to its distal tip 12 providing a mechanical motion of the tip. Such mechanical motion can be used to mix a lysing agent with a blockage near the distal tip. The vibrating agent 16 (Fig. 1) is inserted into the proximal end of the motion catheter 10 as shown in greater

detail in Fig. 4. The proximal end 11 of the catheter 10 matingly engages the oscillating element 16. The oscillating element 16 reciprocates in the direction of the long axis of the catheter 10. Alternatively, the oscillating element 16 may rotate to-and-fro causing a back and forth rotary motion along the wall of the catheter which is translated to the tip.

5 Or a to-and-fro motion may be used in combination with a back and forth translational motion to effect a wobbling motion at the tip. The use of such motion in combination with the dispensing of a medicament such as a lysing agent at the tip of the catheter is illustrated in Figs. 5 through 10.

In Fig. 5, the distal tip 12 of catheter 10 is shown advanced into a blood vessel 55. The blood vessel inner wall 55 is surrounded by tissue generally indicated by 57. An obstruction 51 in the vessel is penetrated by the distal treatment tip 12 of the catheter 10. Once tip 12 of the catheter 10 is within the obstruction 51 (such as a blood clot) a lysing agent 53 is dispensed from the holes 58 near the tip of the catheter by means of pumping the lysing agent 53 from a reservoir (not shown) through the lysing agent lumen 21. At the same time, the mechanical motion of the tip, generally indicated at 54, is induced in the distal tip of the catheter by means the vibrating element 16. The combination of lysing agent 53 emanating from holes 58 in the distal tip 12 of the catheter 10 in combination with the vibratory motion 54 of the distal tip of the catheter assists in the penetration of the lysing agent into the obstruction 51, and provides an advantage over prior art.

Alternatively, the distal tip 12 of the catheter 10 may be inserted into the blockage 51 and passed completely therethrough, as shown in Fig. 6, so that the very distal-most portion of the distal tip 12 extends beyond the obstruction 51. In such an event, motional waves 54 may be used in combination with the release of a lysing agent 53 from holes 58 in the distal tip to facilitate dissolution of the blockage 51. This may be particularly advantageous in the event that plaque 56 is covering a portion of the wall 55 of the vessel.

As shown in Fig. 7, it is also possible to have a plurality of holes 58 dispensing the lysing agent 53, both distal to the obstruction 51 and interior to the obstruction. Such a combination of vibrational motion and spraying of lysing agent into the blockage facilitates the rapid disruption of the blockage 51.

In Fig. 8, the distal tip 12 is advanced until it is in juxtaposition with the proximal end of the blockage 51. When the distal tip is in position, the vibrational waves

54 in combination with the release or spraying of lysing agent 53 affect the dissolution of the blockage 51.

Up until now, we've been referring primarily to vibrational motion in the tip of the catheter that is axial oscillatory motion generally in the direction of the axis of the catheter. Fig. 9 shows a rotary motion which may be imparted to the tip of the catheter by applying an oscillating rotary motion to the proximal end of the catheter. The arrows in Fig. 9 show the rotation of various elements of the tip of the catheter with respect to adjacent elements of the catheter. The catheter 10 is a flexible structure and these rotational waves can travel down the catheter changing direction. Such rotary motion, particularly when the tip 12 is embedded within the blockage 51, may be particularly advantageous for facilitating the penetration of lysing agent 53 sprayed from the holes 58 in the distal tip 12 of the catheter 10. The rotational arrows are generally indicated at 58.

Fig. 10 shows a translational motion which can be used in combination with the rotary motion of Fig. 9, which combination of motions may cause the tip 12 of the catheter 10 to "wobble" or "wiggle" causing mixing and enabling the lysing agent 53 to more rapidly permeate the obstruction 51 facilitating dissolution thereof.

During the dissolution process, fragments of the obstructing thrombus may break loose and obstruct the vascular system at one or more points remote from the original obstruction. A second preferred embodiment of the catheter of the present invention which is especially designed to prevent the dissemination of such fragments to other points in the vascular system is shown in Fig. 11. In this second preferred embodiment the catheter 10 has a coaxial inflatable member 59 on the outer surface thereof between the holes 58, through which holes lysing agent (not shown) is sprayed, and the distal tip 12 of the catheter 10. A perfusion channel (not shown) housed within the body portion of the catheter 10 is coextensive with the portion of the catheter between fenestrations 60 and 61 in the outer wall of the catheter 10 providing fluid communication therebetween. Blood enters the perfusion channel (not shown) through the proximal fenestration 60 in the direction indicated by arrow 60(a). Any fragments of thrombus entrained in the blood as the blood enters the proximal fenestration 60 will pass into the catheter perfusion channel. A particle filter (not shown) is deployed within the perfusion channel to remove such fragments before the blood exits the perfusion channel through the distal fenestration 61 as indicated by arrow 61(a). The filter (not shown) is in-line with the perfusion channel connecting fenestrations 60 and 61 and can be a polymeric or

metallic mesh or “birds nest” or a filter of the type used to remove fat cells from an aspirate described in U.S. Patent No. 4,834,703 to Dubrul, et al., (incorporated herein by reference). Such a filter must be in-line with the perfusion channel and coextensive with at least a portion thereof to effectively remove fragments of thrombus and any other unwanted particulate debris from the perfusate 60(a) and 61(a).

EXAMPLE

To prove evaluate the effectiveness of the present invention, an *in vitro* experiment was performed to evaluate the advantage, if any, of using the motion catheter to disperse clots rather than existing technology. Blood clots were created in a test tube.

The weight of each clot was measured prior to experimentation. The clots were then treated with urokinase at a rate of 5000 IU/ml for 5 minutes to a total of 15,000 IU. The clot (thrombus) weights were measured initially and finally to determine the amount of lysing that had taken place. One of the groups (Group 1) was used as a control. Nothing was done to the Group 1 thrombi except initial and final weighing. Another group (Group 2) was treated with the same amount of lysing agent, but the lysing agent was dispersed through the motion catheter while the catheter was being very slowly vibrated, the catheter was placed proximal to the clot in similar fashion as was the aforementioned group. In Group 3, the motion catheter was placed in the clot as in Groups 1 and 2, but the urokinase was pulsed into the clot and no motion was applied to the system. In Group 4, the lysing agent was pulsed into the clot as in Group 3, but a slow (low frequency) vibratory motion was applied to the motion catheter. Group 5 clots were treated with saline and slow vibration. In Groups 2, 4, and 5 (Groups with a motion applied to the motion catheter) the amount of lysing of the clot/thrombus was greatly increased as determined by the difference in weight of the clot/thrombus before and after the one hour treatment. Those results are tabulated in Table 1 where the percentage of lysing is the difference between the initial and final weight of the clots divided by the initial weight, the quotient multiplied x100.

TABLE 1	
Group 1	4.5% Lysing
Group 2	68%
Group 3	26%
Group 4	45%
Group 5	45%

From the foregoing data it is clear that low frequency vibration with administration of a lysing agent (Group 2) gives the best results. Surprisingly, the Group 5 clots (no lysing agent) that were subjected only to a low frequency (1-1000Hz) vibrating member in the presence of saline exhibited substantial dissolution under the conditions of the experiment. This suggests that the introduction of a simple intravascular wire or similar elongate member vibrating at lower frequencies (<1000Hz) into a blocked vessel may be useful for disrupting clots.

The invention will now be described with respect to Figs. 12 through 15. An aspiration device generally indicated by the numeral 100, is shown with respect to Fig. 12. The aspiration device 100 includes a suction mechanism 102 located at the proximal end 11 of the motion catheter 10. The aspiration device 100 additionally includes an outer sleeve 104, as shown more clearly in Fig. 13. The outer sleeve extends from the proximal end 11 to the distal end 12 of the device 10.

During, after, or before the obliteration of the atheroma or other obstruction in the blood vessel, small particles represented by fragments 106 exist within the blood vessel. As is well known, these fragments can cause extreme health difficulties such as stroke, ischemia, collateral vessel blockage and the like. It is thus, advantageous to remove such particles 106 from the blood vessel. The aspiration device 100, when activated, causes a suctioning, or low pressure, to be developed at the proximal end drawing blood in a direction of the arrows 108. The aspiration device is activated by the suction mechanism 102. The suction mechanism 102 includes a chamber 110 and a plunger 112. When the plunger 112 is pulled away from the chamber 110, a low pressure area or vacuum is created in a lumen of the catheter 10. As noted below, this causes the blood flow to proceed from the distal end to the proximal end. Other vacuum sources such as a mechanical pump, or an electro-mechanical pump, may also be used as the suctioning mechanism 102, to create the low pressure area.

It will also be appreciated that, while it is not shown in Fig. 12, a third port could be added comprising an injection port. The injection port, while not shown here, is shown in the earlier filed drawings connected with this matter, specifically Figs. 1 of U.S. Patent Nos. 5,498,236 and 5,380,273. Additionally, the motion catheter 10 may include distal end 12 having an infusion port such as infusion port 61, as described with reference to Fig. 11 of the above identified patents.

It will be appreciated that the injection port and the aspiration port may be activated independently and simultaneously. Thus, while fluid may be moved up and

through the catheter from the distal end to the proximal end, it may also be appreciated that fluid may also be moved down and through the proximal end 11 through the distal end 12 using the injection port. In this way, while simultaneously aspirating, a fluid such as a medicament, for example saline or sterile water, may be injected into the patient's blood vessel simultaneously with the aspiration process. Additionally, it will be appreciated that fluid of any kind can be moved in either direction through the catheter using aspiration and infusion including fluid such as a contrast fluid.

It will be appreciated that Fig. 11 of the above identified patents, noted particularly at U.S. Patent No. 5,498,236, col. 6, lines 50 through 57, and at col. 6, line 65 through col. 7, line 12 and U.S. Patent No. 5,380,273, col. 6, line 58 through col. 7, line 25, specifically disclose polymeric, metallic mesh, or birds nest filter described with respect to aspiration and the like. A filter such as the one described above, or filter cartridge as specifically referred to in U.S. Patent No. 4,834,703, may be inserted within the outer sleeve 104 coaxially with the catheter. The filter cartridge, or filter, traps the particulate matter or particles 106, thereby removing the same from the blood vessel and consequently from the blood stream.

As shown in Figs. 12 and 13, the motion catheter 10 may be activated during aspiration. It may be desirable to remove particulate matter 106 as the tip is in motion to either vibration or rotation. Alternatively, the aspiration device 100 may be activated both after and before activation of the motion catheter.

With respect to Fig. 14, there is shown another embodiment of the aspiration device 100, wherein the distal end 12 of the motion catheter 10 includes the distal end having fenestrations. In this embodiment, the in-line polymeric filter and/or filter cartridge would be inserted within the motion catheter itself to trap the particulate matter 106. The fenestrations 114 are shown in Fig. 14 as being generally rectangular in shape. It will be appreciated that a variety of shapes, sizes, and styles may be appropriate depending upon the particular function, blood flow, and level of force of the aspiration device 100. Similarly to the previously discussed embodiment shown in Fig. 13, the embodiment shown in Fig. 14 having fenestrations 114, allow the particulate matter to enter the fenestrations as a result of the low pressure being created by the activation of the aspiration device 100, and thereby removed by the blood stream through the in-line polymeric filters as discussed above.

With respect to Fig. 15, there is shown a third embodiment of the aspiration device 100 in accordance with this invention. In the aspiration device of

Fig. 15, the outer sleeve 104 includes an occluding mechanism 116 which prevents blood from preceding around the occluding mechanism 116 and causes blood flow to enter the proximal end of the outer sleeve 104. Similar to the previously discussed embodiments of Figs. 13 and 14, the occluding mechanism 116 operates to force blood flow to an area where an in-line polymeric filter or filter cartridge may trap the particulate matter 106, thereby removing it from the blood vessel and consequently the blood stream.

It will be appreciated that a variety of other filters not described herein may be used. For example, the filters may comprise a variety of different shapes and sizes and may be located in slightly different positions on the catheter.

The occluding mechanism 116 comprises an exemplary embodiment, an angioplasty type balloon which is selectively inflated to cause a blockage in the blood vessel as shown clearly in Fig. 15. Other occluding mechanisms of course are within the scope and spirit of this invention.

Also, it will be appreciated that an occlusion balloon, or centering balloon, may also be used in place of the angioplasty type balloon. The occlusion or centering balloon is distinguished from the angioplasty balloon because it does not inflate to a predetermined sized. Rather the occlusion balloon continues to increase in size the more it is inflated. Also, the occlusion balloon conforms itself to the shape and size of the inner vessel wall. In some instances, it may well be preferable to use the occlusion balloon as opposed to the angioplasty type balloon. It will be understood herein that when referring to the angioplasty balloon below, that other types of balloons including the occlusion or centering balloon, may well be substituted in its place.

Similarly with respect to Figs. 13 and 14, the aspiration device of Fig. 15 may be used before, after, or during activation of the motion catheter 10.

With respect to Fig. 16, there is shown another embodiment of the motion catheter 10 in accordance with this invention. In this embodiment, the motion catheter 10 includes an angioplasty-type balloon 118 at the distal end 12. The angioplasty-type balloon 118 is formed, as is conventional in the field and more particularly as shown and described in U.S. Patent Nos. 4,922,905, 4,838,268, 4,808,164, and 4,707,670, which are specifically incorporated herein by reference, and represents a typical angioplasty-type balloon. As noted above, an occlusion balloon such as those identified in U.S. Patent Nos. 5,637,086, 5,222,970, 5,074,869, and 4,130,119, which are also specifically incorporated herein by reference, may be substituted for the angioplasty-type balloon.

In the embodiment shown in Fig. 16 showing the angioplasty balloon 118, the motion catheter may be activated before, during, or after, balloon expansion. It is believed that such motion of the angioplasty balloon is particularly useful in relieving the blood vessel obstruction. It will be appreciated that the various elements, shown in Figs. 12 through 15, may be combined or used alternatively with the embodiment shown in Fig. 16 within the spirit and scope of this invention. However, it is not necessary for the beneficial effects and advantages of the embodiment shown in Fig. 16 to provide the alternative structures shown and described in such combinations.

With respect to Figs. 17 through 20, there is shown an alternate embodiment of the motion catheter device 10 having a coaxially filter trap 120. As similarly shown with respect to the '273 and '236 patents described above, the filter trap 120 is deployable and expandable as shown in Figs. 17 through 20.

In Fig. 17 the filter trap is in its initial stage of deployment. In Fig. 18 the filter trap has been fully expanded. Additionally, in Fig. 18 there is shown the filter trap 120 used in combination with the occluding mechanism 116. Using a combination of these devices provides the invention with the ability to trap particulate matter 106, whether it flowed against or with the arrows 108. It will be readily appreciated that any particulate matter traveling in the direction opposite of the arrows would be trapped within the filter trap 120. The filter trap 120 is made of polymeric mesh and can be expanded to a variety of shapes and sizes. The device 10 (not shown) includes activation mechanism (not shown) which can readily expand or contract the filter trap 120.

It will be appreciated that the inflatable coaxial structure described with respect to the '273 and '236 patents can, in fact, define a filter such as the ones described above. It will also be appreciated that a combination of the inventions taught by the '236 and '273 patents and the disclosure herein can be combined. In fact, an occluding element could be distal to the distal end of the catheter 12 with a filter being in-line in an aspiration device. In this way, the particulate matter is prevented from flowing down stream by the occlusion mechanism while the aspiration device is activated causing the particulate matter to be drawn back into the inflatable coaxial filters. Thus, the fluid down stream of the occluding mechanism would be relatively free of particulate matter while the particulate matter would be substantially trapped within the coaxial filter.

Upon activation of the motion catheter, a spinning vortex is created. Upon the direction of the user, the particulate matter 106 can be directed, either proximally or distally, to be trapped by the filter system described above. Again, the object of trapping

particulate matter is accomplished. In this way, the spinning vortex causes additional and further particulate matter to be trapped in a coaxial filter.

Additionally, polymeric shapes such as a frusto-conical shape filter trap alternative embodiment generally indicated by the numeral 122, may alternatively be employed. The filter trap 122, shown in cross section Fig. 19, includes an outer member 124 and an inner member 126. Both members are connected to a shaft 128. Upon activation both inner and outer members, 124 and 126 respectively, are deployed or expanded within the blood vessel. Upon deactivation, both members are contracted and fit snugly along shaft 128. The dual filter has the purpose of (1) sealing against the vessel wall, (2) capturing large and small particles and the prevention of dissemination of such fragments, (3) the centering of the catheter during motion, (4) capturing and holding particulate matter for dissolution, and (5) capturing of particulate matter allowing blood or smaller particles to flow through, whereby, at the end of the procedure, the filter trap is un-deployed and particulate matter is removed.

The filter shaft system, upon trapping the particulate matter 106, can either remain deployed until the blood flow causes the particulate matter 106 to be dissolved or can be contracted and then removing the device 10 from the blood vessel and then removing the trapped particulate matter 106 will thus remove the particular matter from the blood system.

The aforesaid specification taken in connection with the drawings and the aforementioned experiment sets forth the preferred embodiments of the present invention. The embodiments of the invention disclosed herein are the best modes contemplated by the inventors for carrying out their invention in a commercial environment, although it should be understood that various modification can be accomplished within the scope of the invention.

WHAT IS CLAIMED IS:

1 1. A device for insertion into a body lumen useful for dissolution of
2 obstructive material, the device comprising:
3 a source of mechanical motion; and
4 an elongated member having a proximal portion, a distal portion, and an
5 outer surface, and a longitudinal axis therebetween, wherein the proximal end is matingly
6 engageable with the source of mechanical motion; and
7 an expandable member disposed on said elongate member distal portion.

1 2. A device of claim 1, wherein said expandable member is a balloon.

1 3. A device of claim 1, wherein said device further includes a second
2 expandable member disposed on said elongate member proximal portion.

1 4. A device of claim 3, wherein said second expandable member is a
2 balloon.

1 5. A device of claim 3, wherein said second expandable member is a
2 filter.

1 6. A device of claim 1, wherein said expandable member is a filter
2 trap.

1 7. A device of claim 1, further comprising a sleeve disposed coaxially
2 over the elongate member, said sleeve having an inner surface and an outer surface such
3 that the coaxial combination of said elongate member and said sleeve forms an annular
4 space between said elongate member outer surface and said sleeve inner surface.

1 8. A device of claim 7, further comprising a means for aspirating,
2 wherein annular space is in fluid communication with the means for aspirating.

1 9. A device of claim 1, wherein said elongate member has a lumen
2 disposed between said elongate member distal end and said elongate member proximal
3 end.

1 10. A device of claim 9, wherein said lumen is in fluid communication
2 with an inlet port on the proximal end of the elongate member and an outlet port on the

3 distal end of the elongate member which is distal of said expandable member, wherein a
4 filter element is disposed in said lumen.

1 11. A device of claim 1, wherein said source of mechanical motion
2 provides rotational and/or translational motion.

1 12. A device for insertion into a body lumen useful for dissolution of
2 obstructive material, the device comprising:
3 a source of mechanical motion;
4 an elongated member having a proximal portion, a distal portion, an outer
5 surface, and a longitudinal axis therebetween, wherein the proximal end is matingly
6 engageable with the source of mechanical motion; and
7 an expandable member disposed on said elongate member proximal
8 portion.

1 13. A device of claim 12, wherein said expandable member is a
2 balloon.

1 14. A device of claim 12, wherein said device further includes a second
2 expandable member disposed on said elongate member distal portion.

1 15. A device of claim 14, wherein said second expandable member is a
2 balloon.

1 16. A device of claim 13, wherein said second expandable member is a
2 filter.

1 17. A device of claim 12, wherein said expandable member is a filter
2 trap.

1 18. A device of claim 12, further comprising a sleeve disposed
2 coaxially over the elongate member, said sleeve having an inner surface and an outer
3 surface such that the coaxial combination of said elongate member and said sleeve forms
4 an annular space between said elongate member outer surface and said sleeve inner
5 surface.

1 19. A device of claim 18, further comprising a means for aspirating,
2 wherein said annular space is in fluid communication with the means for aspirating.

1 20. A device of claim 12, wherein said source of mechanical motion
2 provides rotational and/or translational motion.

1 21. A device for insertion into a body lumen useful for dissolution of
2 obstructive material, the device comprising:

3 a source of mechanical motion;

4 an elongated member having a proximal portion, a distal portion, an outer
5 surface, and a longitudinal axis therebetween, wherein the proximal end is matingly
6 engageable with the source of mechanical motion;

7 a sleeve disposed coaxially around said elongated member, said sleeve
8 having an inner surface and an outer surface, such that said inner surface of said sleeve
9 and said outer surface of said elongated member form an annular space; and

10 a mechanism for aspirating any dissolved obstructed material through said
11 annular space for removal from said body lumen.

1 22. A device of claim 21, further comprising an expandable member
2 disposed on the proximal portion thereof.

1 23. A device of claim 22, wherein said expandable member is a
2 balloon.

1 24. A device of claim 20, wherein said expandable member is a filter.

1 25. A device of claim 22, further comprising a second expandable
2 member on the distal portion thereof.

1 26. A device of claim 24, wherein said second expandable member is a
2 balloon.

1 27. A device of claim 24, wherein said second expandable member is a
2 filter.

1 28. A device of claim 21, wherein said source of mechanical motion
2 provides rotational and/or translational motion.

1 29. A device for insertion into a body lumen useful for dissolution of
2 obstructive material, the device comprising:

3 a source of mechanical motion;

4 an elongated member having a proximal portion, a distal portion and a
5 longitudinal axis therebetween, and further comprising an outer surface and an inner
6 lumen extending between said distal portion and said proximal portion, wherein said
7 proximal portion is matingly engageable with the source of mechanical motion; and

8 said elongated member including one or more fenestrations located along
9 the said elongated member longitudinal axis and in fluid communication between said
10 elongated member outer surface and said elongated member inner lumen.

1 30. A device of claim 29, further comprising means for aspirating fluid
2 from within said body lumen, through said fenestrations to a location outside said body
3 lumen.

1 31. A device of claim 29, further comprising an expandable member
2 located on said elongated member distal portion.

1 32. A device of claim 31, wherein said expandable member is a filter
2 trap.

1 33. A device of claim 31, wherein said expandable member is a
2 balloon.

1 34. A device of claim 29, further comprising a second expandable
2 member located on said elongated member proximal portion.

1 35. A device of claim 34, wherein said second expandable member is
2 balloon.

1 36. A device of claim 34, wherein said expandable member is a filter
2 trap.

1 37. A device of claim 29, wherein said source of mechanical motion
2 provides rotational and/or translational motion.

THROMBOLYSIS DEVICE

ABSTRACT OF THE DISCLOSURE

The present invention describes a catheter suitable for introduction into a tubular tissue for dissolving blockages in such tissue. The catheter is particularly useful for removing thrombi within blood vessels. In accordance with the preferred embodiments, a combination of vibrating motion and injection of a lysing agent is utilized to break up blockages in vessels. The vessels may be veins, arteries, ducts, intestines, or any lumen within the body that may become blocked from the material that flows through it. As a particular example, dissolution of vascular thrombi facilitated by advancing a catheter through the occluded vessel, the catheter causing a vibrating, stirring action in and around the thrombus usually in combination with the dispensing of a thrombolytic agent such as urokinase into the thrombus. The catheter has an inflatable or expandable member near the distal tip which, when inflated or expanded, prevents the passage of dislodged thrombus around the catheter. The dislodged portions of thrombus are directed through a perfusion channel in the catheter, where they are removed by filtration means housed within the perfusion channel before the blood exists the tip of the catheter. Catheters that allow both low frequency (1-100Hz) vibratory motion and delivery of such agents to a blockage and a method for using such catheters are disclosed.

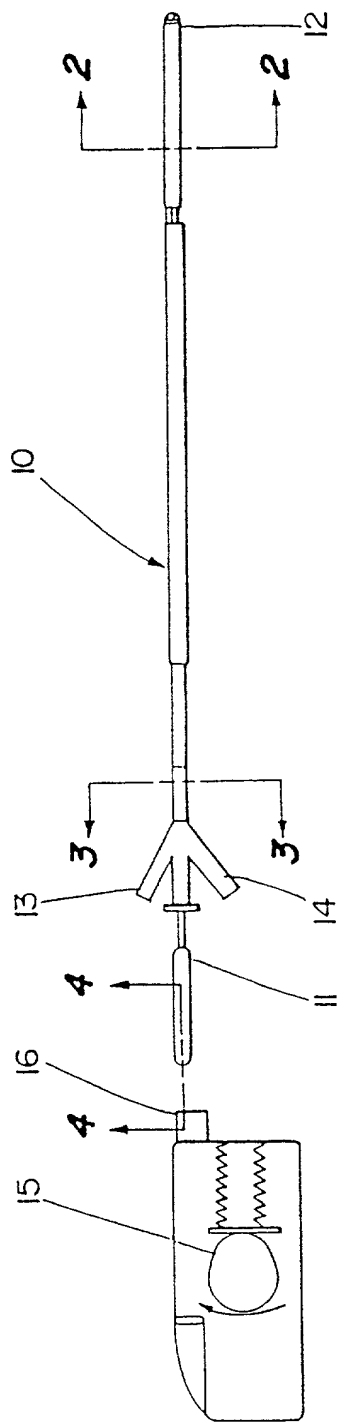


Fig. 1

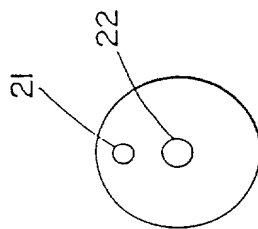


Fig. 2

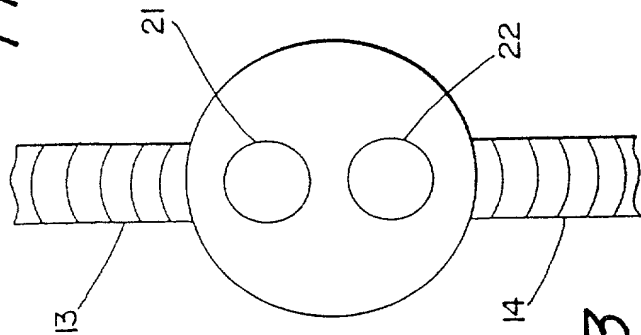


Fig. 3

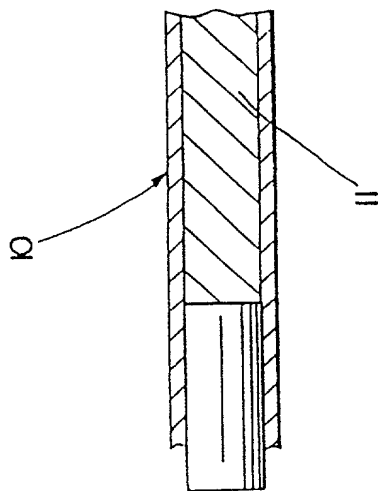


Fig. 4

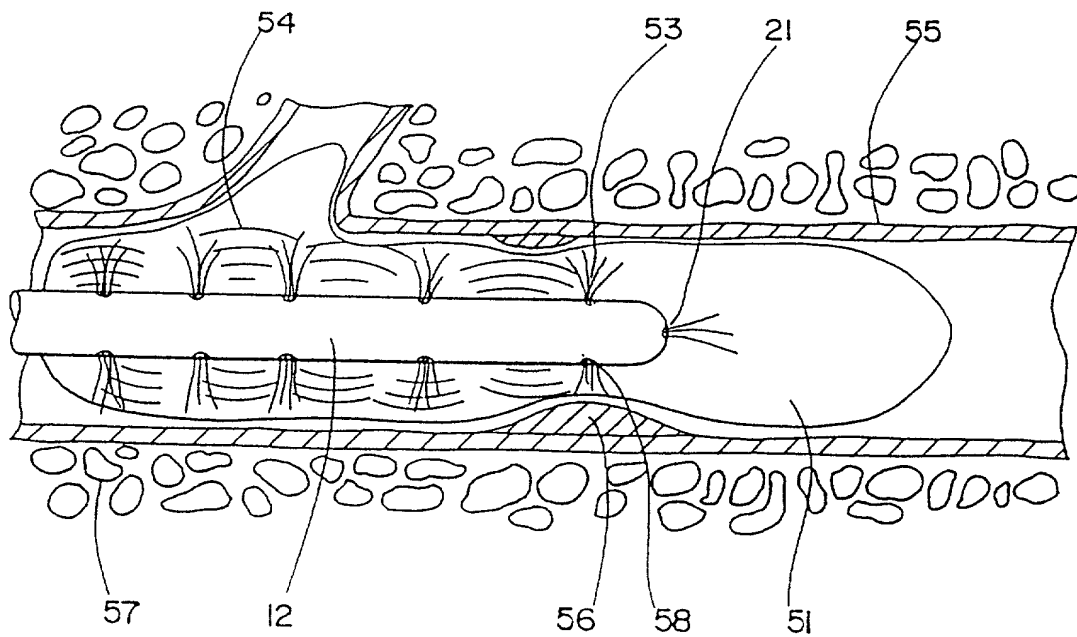


Fig. 5

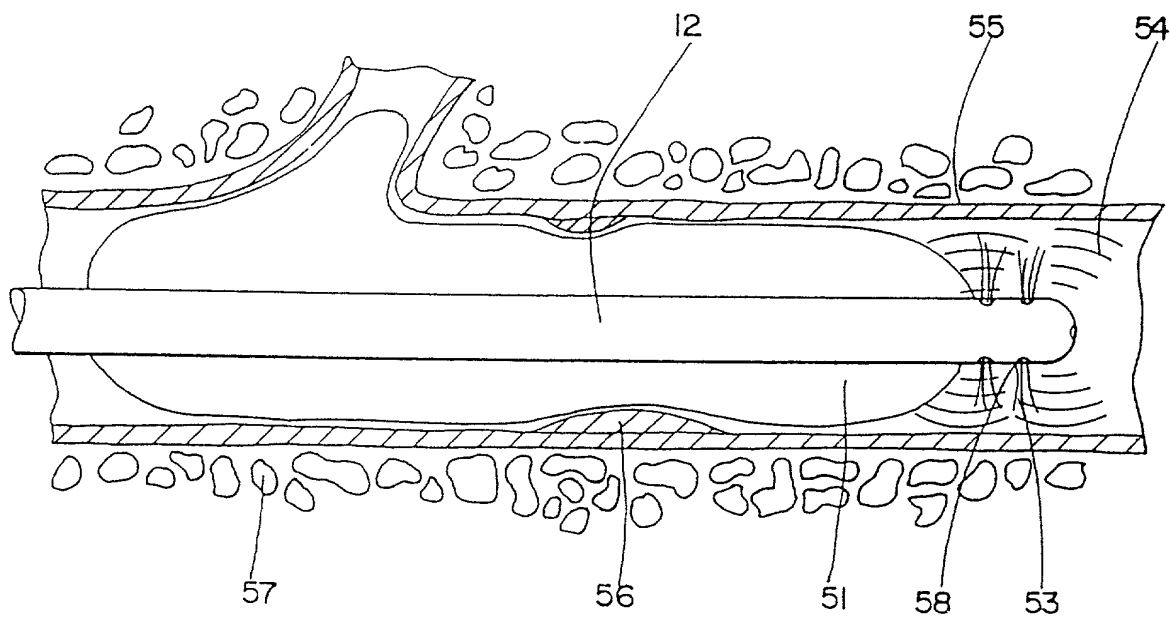


Fig. 6

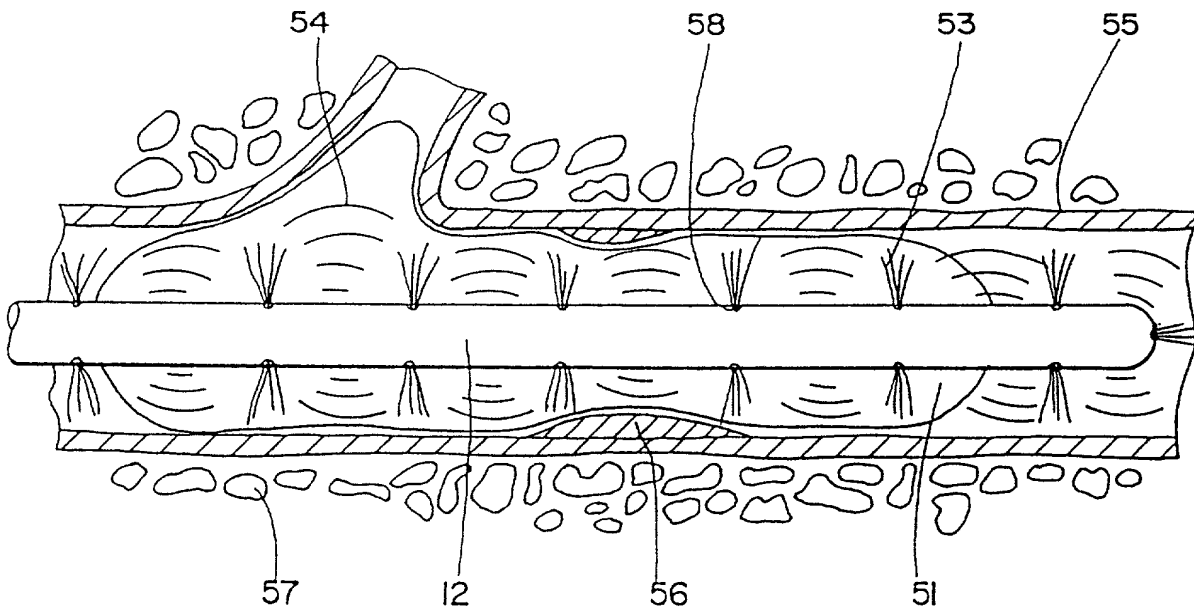


Fig. 7

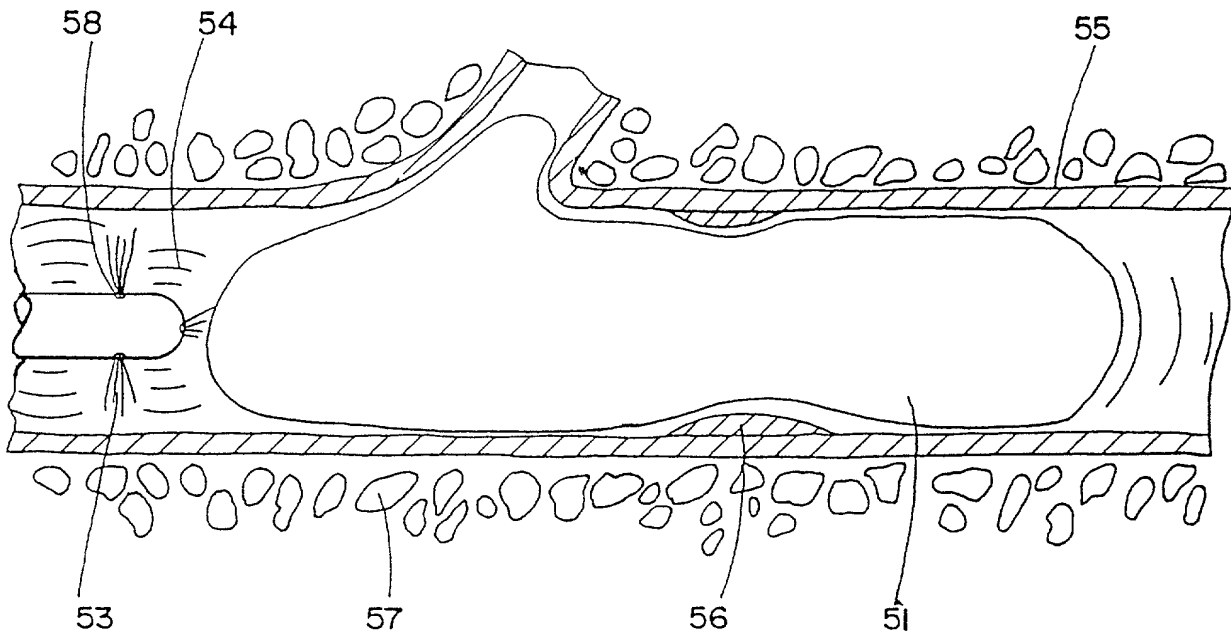


Fig. 8

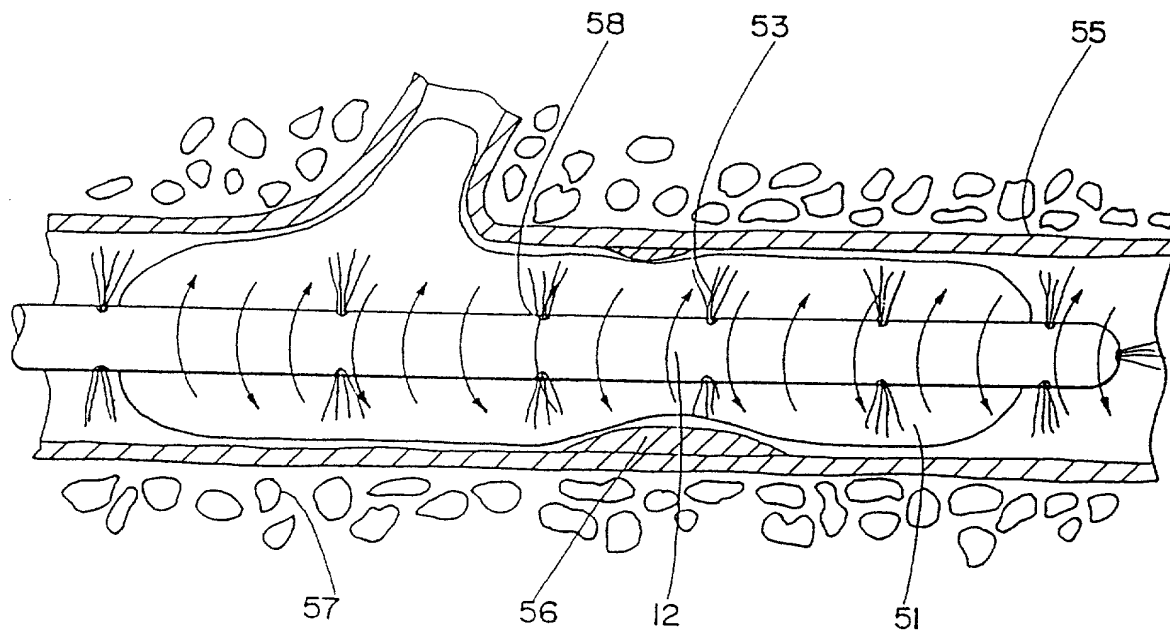


Fig. 9

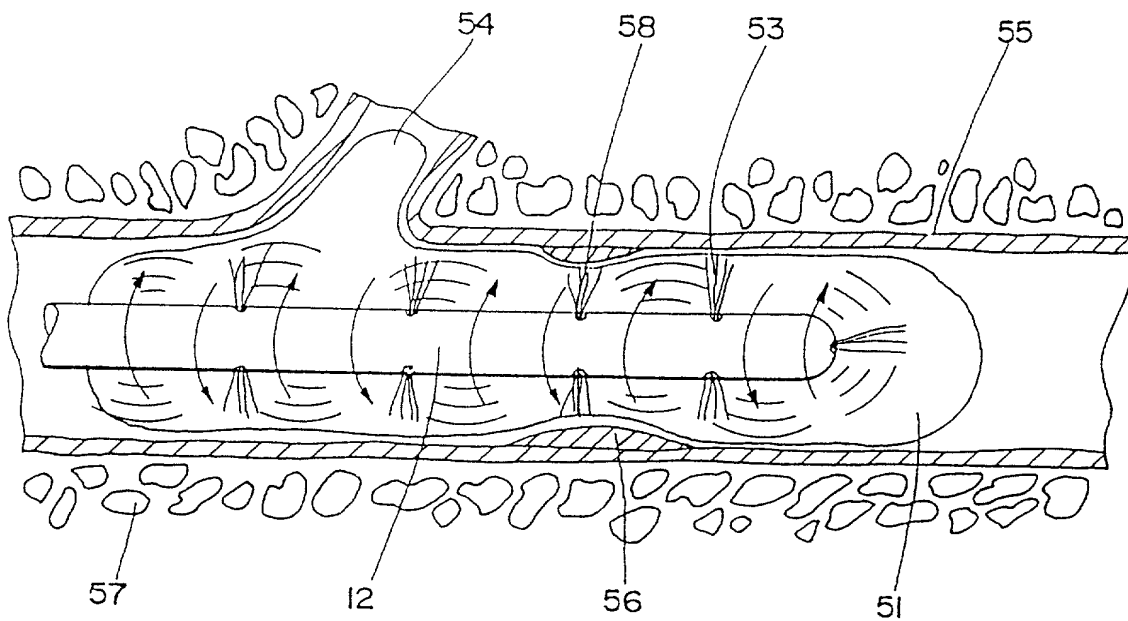


Fig. 10

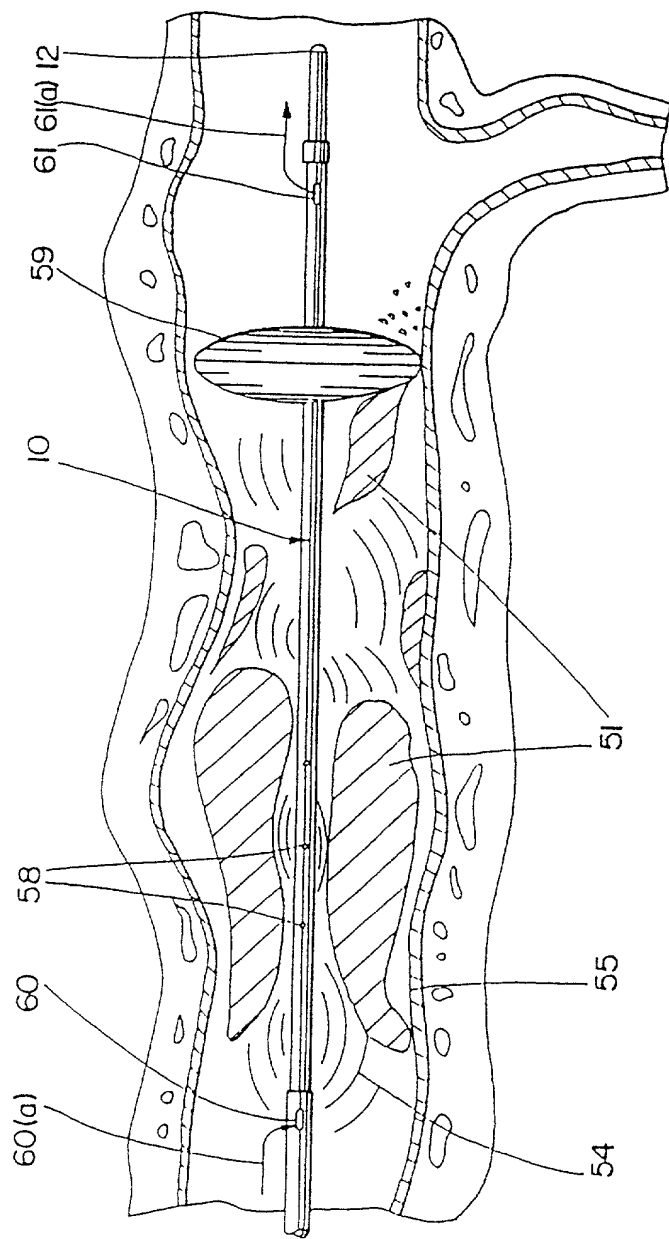


Fig. 11

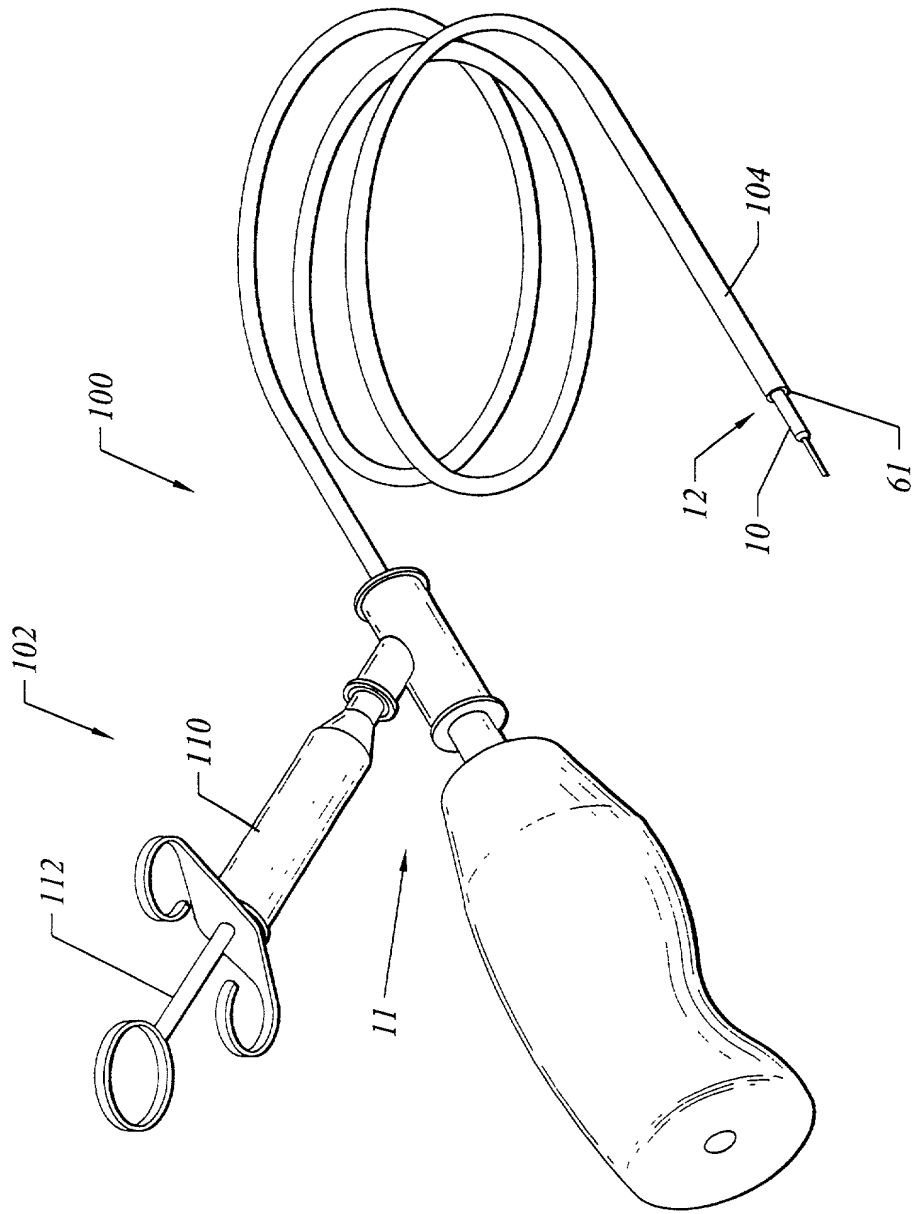


FIG.- 12

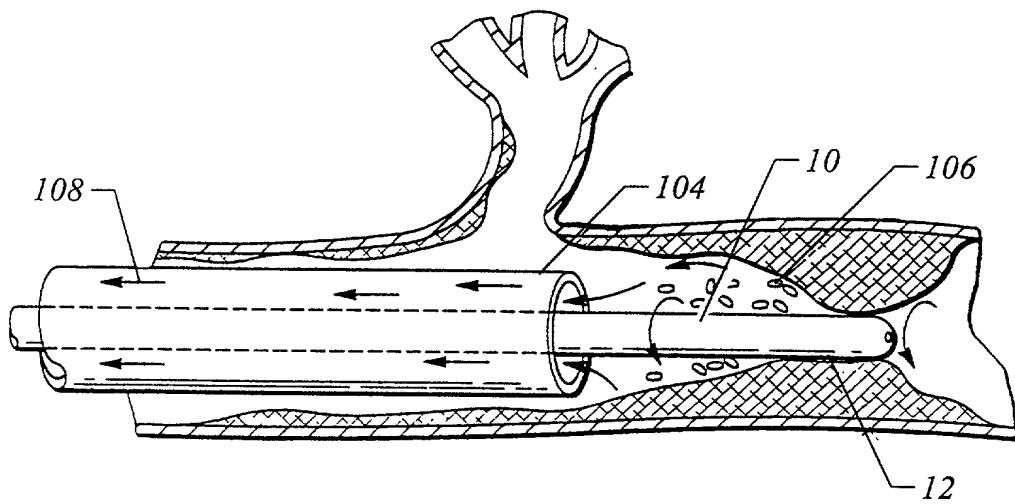


FIG.- 13

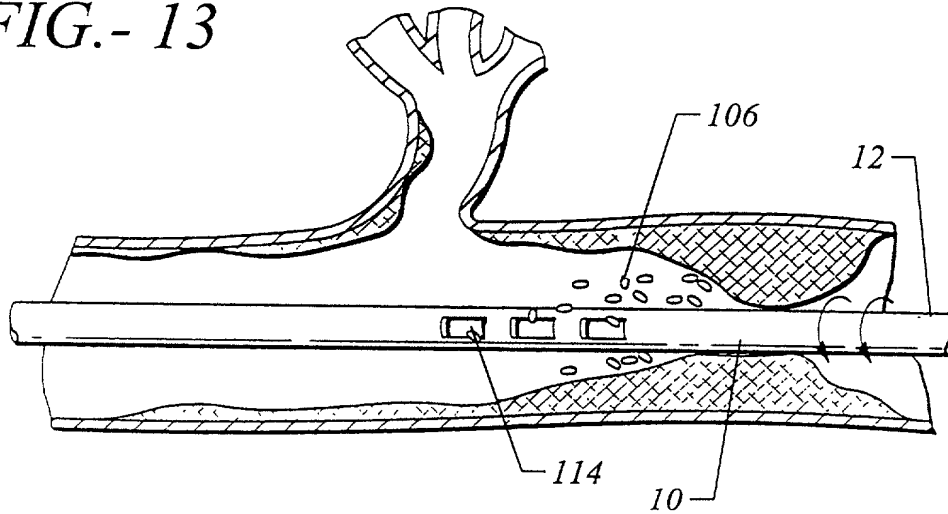


FIG.- 14

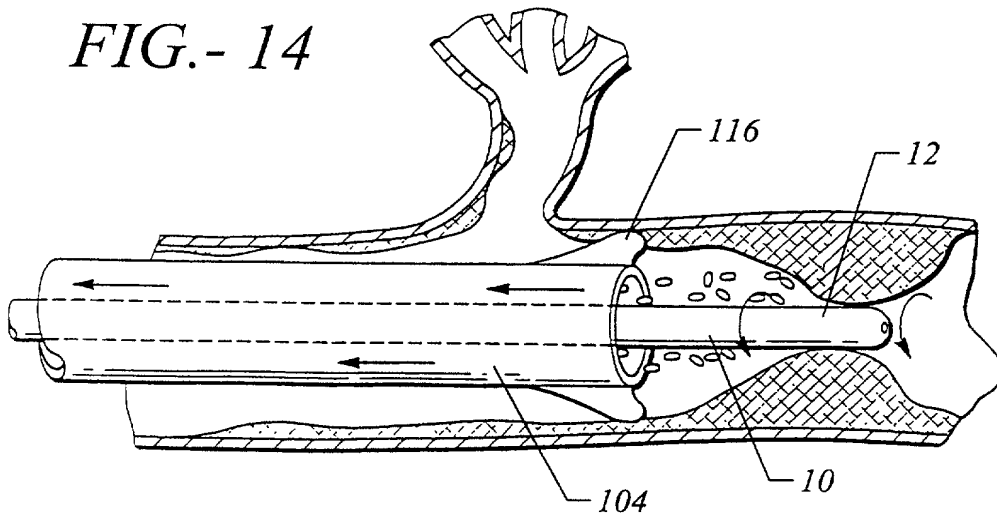


FIG.- 15

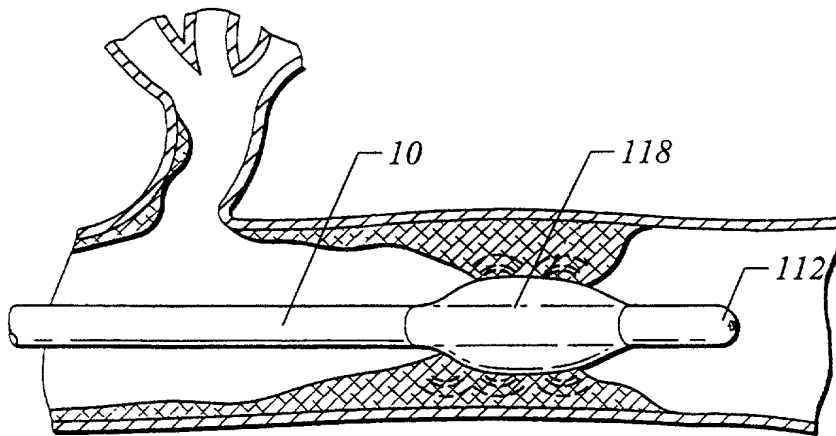


FIG. - 16

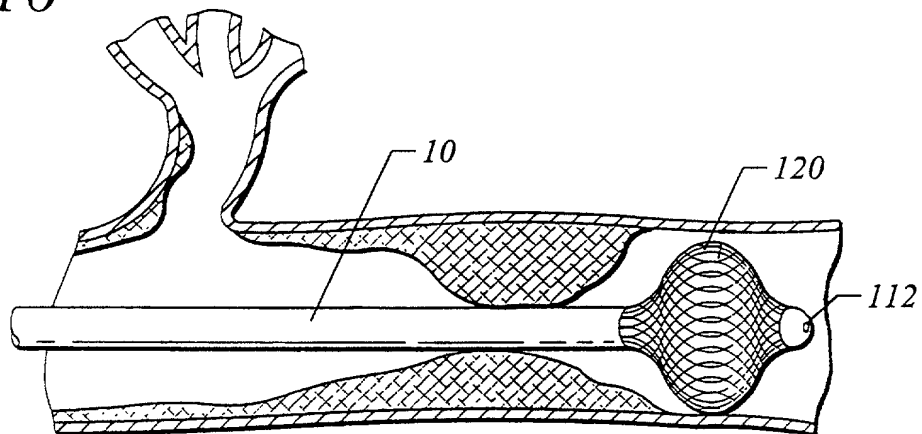


FIG. - 17

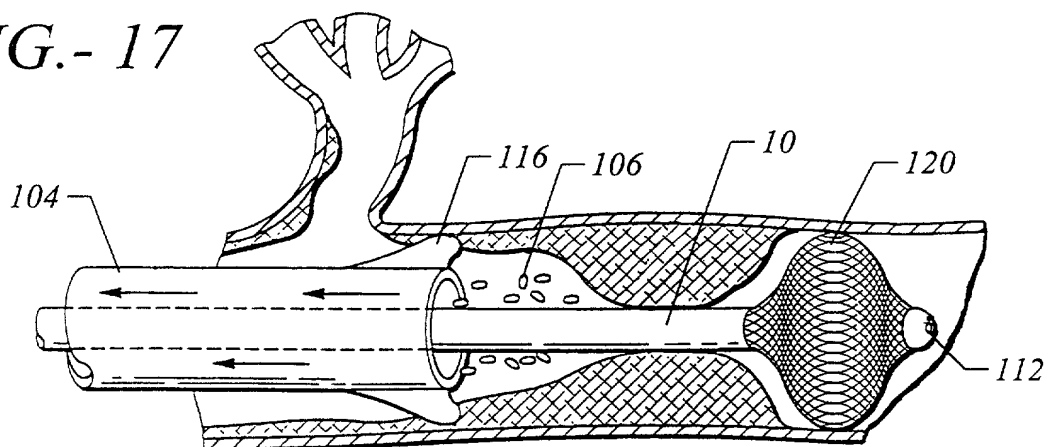


FIG. - 18

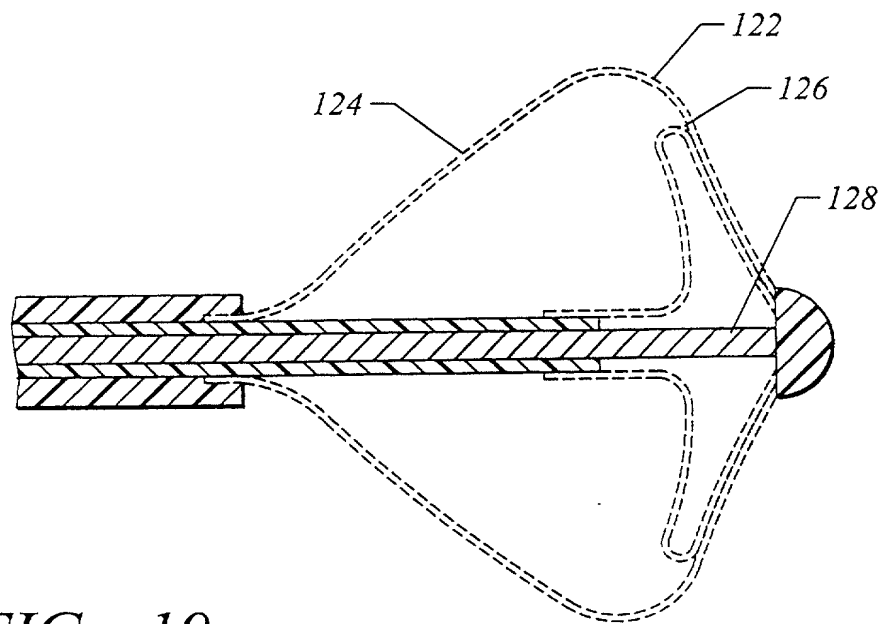


FIG.- 19

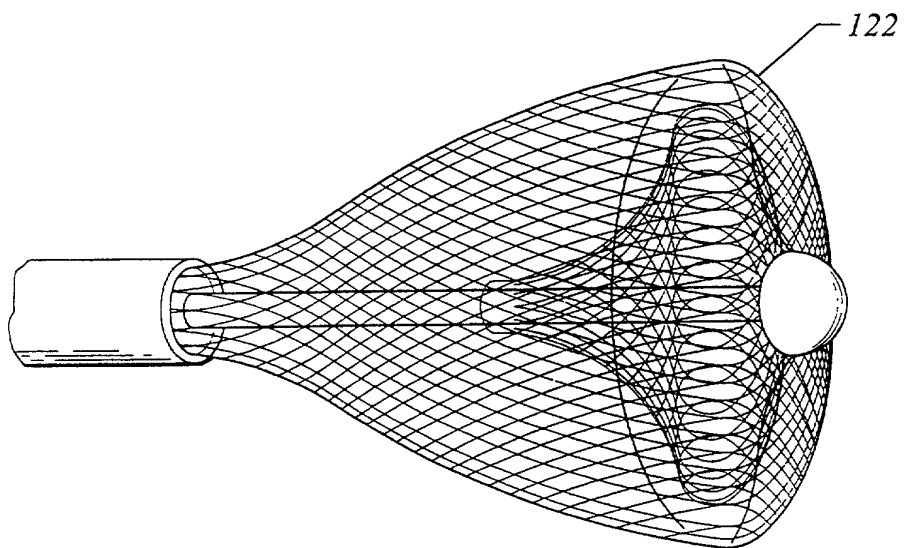


FIG.- 20

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **THROMBOLYSIS DEVICE** the specification of which is attached hereto or XX was filed on February 15, 2000 as Application No. 09/504,162 and was amended on (if applicable).



I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/005,217	January 9, 1998	Allowed
08/483,071	June 7, 1995	Issued as 5,713,848
08/320,184	October 7, 1994	Issued as 5,498,236
08/065,470	May 19, 1993	Issued as 5,380,273
07/885,665	May 19, 1992	Abandoned

Full Name of Inventor 1:	Last Name: EVANS	First Name: MICHAEL	Middle Name or Initial.	
Residence & Citizenship:	City: Palo Alto	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 637 Webster Street	City: Palo Alto	State/Country: California	Postal Code: 94301
Full Name of Inventor 2:	Last Name: DUBRUL	First Name: WILL	Middle Name or Initial R.	
Residence & Citizenship:	City: Redwood City	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address P.O. Box 246	City: Redwood City	State/Country: California	Postal Code: 94064

further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  MICHAEL EVANS	Signature of Inventor 2  WILL R. DUBRUL
Date 8/1/2000	Date 8/1/00

POWER OF ATTORNEY BY ASSIGNEE

BACCHUS VASCULAR INC., 3260 Alpine Road, Portola Valley, CA, 94028, is the Assignee of the invention entitled:

THROMBOLYSIS DEVICE

The specification of which ____ is attached hereto or XX was filed on February 15, 2000 as Application No. 09/504,162.

The Assignment accompanying this Power of Attorney (or filed concurrently herewith under separate cover to the attention of the Assignment Branch) has been reviewed by the undersigned. The undersigned certifies that to the best of the undersigned's knowledge and belief, title is in the Assignee. The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

<u>Name</u>	<u>Reg. No.</u>	<u>Name</u>	<u>Reg. No.</u>
Aka, Gary T.	29,038	Heckadon, David R.	Granted Limited Recognition under 37 CFR §10.9(b)
Apple, Randolph T.	36,429		
Barrish, Mark D.	36,443	Heslin, James M.	29,541
Colwell, Robert C.	27,431	Liebeschuetz, Joe	37,505
Dow, Karen B.	29,684	Slone, David N.	28,572
Gibby, Darin J.	38,464	Smith, William M.	30,223
Hann, James F.	29,719	Wong, Craig P.	45,231
Haughey, Paul C.	31,836		

Send Correspondence to:
James M. Heslin, Esq.
TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834

Direct Telephone Calls to:
James M. Heslin, Esq.
Reg. No. 29,541
650/326-2400

BACCHUS VASCULAR, INC.

Date: AUG 2, 00

By: 

Title: V.P./Gen Mgr

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN

Applicant or Patentee: MICHAEL EVANS et al.
 Application or Patent No.: 09/504,162
 Filed or Issued: February 15, 2000
 Title: THROMBOLYSIS DEVICE

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☐ an official of the small business concern empowered to act on behalf of the concern identified below.

Name of Small Business Concern: BACCHUS VASCULAR INC.
 Address of Small Business Concern: 3260 Alpine Road
Portola Valley, CA 94028

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled THROMBOLYSIS DEVICE by inventor(s) MICHAEL EVANS, WILL R. DUBRUL described in:

- ☐ the specification filed herewith;
☒ Application No. 09/504,162, filed February 15, 2000,
☐ Patent No. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: ///
 Address: _____
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name: ///
 Address: _____
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Robert A. Clark, Jr.
 Title of Person (if Other than Owner): V.P. / Gen Mgr
 Address of Person Signing: 3260 Alpine Road
Portola Valley, CA 94028

Signature: [Signature] Date: AUG 2, 00